



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, JULY 2, 2003**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**5:00 P.M.**

*A Special Meeting of the City Council and Redevelopment Agency is called at 5:00 P.M. for the Purpose of Conducting a Workshop and Closed Sessions.*

---

**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**5:00 P.M.**

## ***City Council Action***

### **WORKSHOP:**

	<b>Time Estimate</b>		<b>Page</b>
1.	60 Minutes	<b><u>AUTO DEALER STRATEGY WORKSHOP</u></b> ..... <b><u>Recommended Action(s):</u></b> <b><u>Conduct</u></b> the Workshop and <b><u>Direct</u></b> Staff to Make Modifications as Approved.	1

**6:00 P.M.**

## ***Redevelopment Agency Action and City Council Action***

### **CLOSED SESSION:**

1.  
**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant Exposure/Initiation of Litigation  
Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 2
2.  
**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code 54957  
Public Employee Performance Evaluation: City Manager  
Attendees: City Council, City Manager

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **CITY COUNCIL REPORT** Council Member Carr

### **CITY COUNCIL SUB-COMMITTEE REPORTS**

### **CITY MANAGER'S REPORT**

### **CITY ATTORNEY'S REPORT**

### **OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

### **CONSENT CALENDAR:**

#### **ITEMS 2-12**

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

#### **Time Estimate**

#### **Page**

**Consent Calendar: 1 - 10 Minutes**

2. **APPROVAL OF MAIN AVENUE/UNION PACIFIC RAILROAD (UPRR) CROSSING AGREEMENT** ..... 23  
**Recommended Action(s): Approve** Main Avenue/UPRR Crossing Agreement, Subject to Review and Approval of City Attorney.
3. **APPROVAL OF SAN PEDRO PONDS JOINT USE AGREEMENT** ..... 65  
**Recommended Action(s): Approve** Joint Use Agreement with Santa Clara Valley Water District for San Pedro Ponds Trail Project, Subject to Review and Approval of City Attorney.
4. **ACCEPT OAK CREEK PARK TENNIS COURT RESURFACING PROJECT** ..... 73  
**Recommended Action(s):**  
  1. **Accept** as Complete the Oak Creek Park Tennis Court Resurfacing Project in the Final Amount of \$28,130; and
  2. **Direct** the City Clerk to file the Notice of Completion with the County Recorder's Office.
5. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR 761 DAKOTA DRIVE – MIKE AND JONNA DUNNE** ..... 77  
**Recommended Action(s):**  
  1. **Adopt** Resolution No. 5688, Accepting the Public Improvements for 761 Dakota Drive – Mike and Jonna Dunne; and
  2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

**Time Estimate**  
**Consent Calendar: 1 - 10 Minutes**

**Page**

6. **ADOPT ORDINANCE NO. 1621, NEW SERIES** .....83  
**Recommended Action(s):** Waive the Reading, and Adopt Ordinance No. 1621, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE HORIZON LAND PUD AND ESTABLISHMENT OF A PRECISE DEVELOPMENT PLAN FOR THE NORTHERN 8.65 ACRES TO INCLUDE A 30,027-SF FORD DEALERSHIP AND TWO COMMERCIAL BUILDING PADS. (APN 728-17-019; ZAA-98-16: CONDIT – HORIZON LAND (THE FORD STORE).
  
7. **ADOPT ORDINANCE NO. 1622, NEW SERIES** .....103  
**Recommended Action(s):** Waive the Reading, and Adopt Ordinance No. 1622, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1568, NEW SERIES, TO AMEND THE DEVELOPMENT AGREEMENT FOR APPLICATION MP-00-01: BERKSHIRE-SINGH TO INCORPORATE A SIX-MONTH EXCEPTION TO LOSS OF BUILDING ALLOTMENT (APN 764-23-054; DAA-00-08: BERKSHIRE - SINGH).
  
8. **ADOPT ORDINANCE NO. 1623, NEW SERIES** .....109  
**Recommended Action(s):** Waive the Reading, and Adopt Ordinance No. 1623, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1535, NEW SERIES, TO AMEND THE DEVELOPMENT AGREEMENT FOR APPLICATION MP-00-21: MISSION VIEW-DIVIDEND HOMES TO INCORPORATE A SIX-MONTH EXCEPTION TO LOSS OF BUILDING ALLOTMENT (APNs 728-32-001, 002, 003 & 728-33-001; DAA-01-07: Cochrane-Mission View).
  
9. **ADOPT ORDINANCE NO. 1624, NEW SERIES** .....115  
**Recommended Action(s):** Waive the Reading, and Adopt Ordinance No. 1624, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTIONS 3.56.050 of CHAPTER 3.56 (Development Impact Mitigation Fees) of TITLE 3 (Revenue and Finance) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING DEVELOPMENT IMPACT MITIGATION FEES.
  
10. **ADOPT ORDINANCE NO. 1625, NEW SERIES** .....123  
**Recommended Action(s):** Waive the Reading, and Adopt Ordinance No. 1625, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1564, NEW SERIES, TO AMEND THE DEVELOPMENT AGREEMENT FOR APPLICATION MP-00-31: CHURCH – SOUTH COUNTY HOUSING TO ALLOW FOR A SIX MONTH EXTENSION OF TIME FOR 36 BUILDING ALLOTMENTS RECEIVED IN THE 2001 RDCS COMPETITION. (APNs 817-02-002, 003, 004, 005, 022, 023 & 038).
  
11. **APPROVE SPECIAL CITY COUNCIL MEETING MINUTES FOR MEETING OF JUNE 18, 2003**..... 129
  
12. **APPROVE SPECIAL CITY COUNCIL MEETING MINUTES FOR MEETING OF JUNE 25, 2003**..... 131

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 13-14**

	<b>Time Estimate</b>		<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>		
13.		<b><u>APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 18, 2003.</u></b>	133
14.		<b><u>APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 25, 2003.</u></b>	175

## ***City Council Action***

### **PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
15.	<b>2 Minutes</b>	<b><u>HEARING FOR EXEMPTION TO UNDERGROUNDING UTILITIES – 57 EAST SECOND STREET</u></b>	189
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Grant</u></b> Exemption to the Requirement to Underground Utilities With Payment of In-Lieu Fees for the Proposed Development at 57 East Second Street.	
16.	<b>3 Minutes</b>	<b><u>MEASURE P APPEAL APPLICATION AP-03-01: EAST DUNNE-DEMPSEY</u></b>	195
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Open and Continue</u></b> the Public Hearing to July 16, 2003.	
17.	<b>3 Minutes</b>	<b><u>MEASURE P APPEAL APPLICATION AP-03-02: BARRETT-ODISHOO</u></b>	197
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Open and Continue</u></b> the Public Hearing to July 16, 2003.	
18.	<b>3 Minutes</b>	<b><u>MEASURE P APPEAL APPLICATION AP-03-03: WEST EDMUNDSON-PINN</u></b>	199
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Open and Continue</u></b> the Public Hearing to July 16, 2003.	

## ***Redevelopment Agency Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
19.	15 Minutes	<b><u>REQUEST FOR PROPOSALS FOR POLICE FACILITY</u></b> ..... <b><u>Recommended Action(s): Provide</u></b> Comments And Direct Staff To Issue A Request For Proposal (RFP) For The Current Police Facility Located At 17605 Monterey Road.	<b>201</b>

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**